

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL PRINCE

PLAINTIFF

V.

CIVIL ACTION NO: 4:13cv165-SA-JMV

**WASHINGTON COUNTY, MISSISSIPPI,
SHERIFF MILTON GASTON, in his Official Capacity,
LIEUTENANT MACK WHITE,
in his individual and official capacity,
DEPUTY MARVIN MARSHALL,
in his individual and official capacity, and
JOHN DOES 1-10**

DEFENDANTS

AGREED ORDER ON DEFENDANTS' PARTIAL MOTION TO DISMISS

THIS CAUSE, having come before the Court on Defendants' Motion to Dismiss Some of Plaintiff's Claims for Failure to State a Claim Upon Which Relief Can Be Granted [Doc. # 7], and the Court, after being advised that the parties agree to the matters set forth therein, does hereby ORDER as follows:

1. The parties have previously entered into an Agreed Order Substituting Parties [Doc. # 12] wherein Washington County, Mississippi was substituted in the place and stead of the Washington County Sheriff's Office. Accordingly, the motion to dismiss the Washington County Sheriff's Office is moot.

2. The Defendants, Washington County, Mississippi and Milton Gaston, in his Official Capacity, are immune from state law claims of assault and battery, and the claims of assault and battery against Defendants Mack White and Deputy Marvin Marshall are barred by the statute of limitations set forth in § 15-1-35 (1972). Accordingly, all claims of assault and battery are dismissed with prejudice.

3. All claims for punitive damages as against Washington County, Mississippi, or Milton Gaston, in his official capacity, are dismissed with prejudice.

SO ORDERED, this the 22nd day of November, 2013.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Derek L. Hall

Derek L. Hall, Esq.
Counsel for Plaintiff

s/P. Scott Phillips, Esq.

P. Scott Phillips, Esq.
Attorney for Defendants